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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,136	11/18/2003	Sundaram Ramani	MFCP.110234	1912
45809 7590 12/31/2007 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER CHOU, ANDREW Y	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/715,136

Applicant(s)

RAMANI ET AL.

Examiner

Andrew Y. Chou

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-33 have been examined. Claims 1, 9, 17, 25, 26, and 33 are the independent claims. The priority date recognized is 11/18/2003.

### ***Oath/Declaration***

2. The Office acknowledges receipt of a properly signed oath/declaration filed on 04/14/2004.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8 and 9-15 are non-statutory because the claimed invention is subject to 35 U.S.C 101 as being computer programs, software per se. The claims recite "a compiling system" but the claim language does not recite and/or provide either computer components or statutory processes. The claim language of claims 1-15 are merely computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things" (see for example Specification pages 4-5, [0018], FIG. 1, and related text). They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the

computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions. For further information, see MPEP 2106.01 (I).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramani et al. US 2004/0172617 A1 (hereinafter Ramani).

**Claim 1:**

Ramani discloses a compiling system (see for example FIG. 2) for compiling a markup language file into an executable application, the compiling system comprising:  
a parser for parsing the markup language file and providing the compiling system with detailed token information (see for example page 2, [0022], lines 1-17, FIG. 2, item 204, "parser", and related text);  
a code generator (see for example FIG. 2, item 202, "markup compiler", and related text) for generating a language-independent tree of code expressions based on the token information, wherein the code expressions represent the markup file as a class (see for example page 2, [0023], "...deriving parsing class..." ); and  
a compiler for compiling the code expressions to create the executable application (see for example page 2, [0022], FIG. 2, item 202, "markup compiler", and related text).

**Claim 2:**

Ramani further discloses the compiling system of claim 1, wherein the detailed token information comprises a tag (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 3:**

Ramani further discloses the compiling system of claim 1, wherein the detailed token information comprises a property or event (see for example page 3, [0030]).

**Claim 4:**

Ramani further discloses the compiling system of claim 1, wherein the detailed token information comprises a user code snippet (see for example page 3, [0031]).

**Claim 5:**

Ramani further discloses the compiling system of claim 1, wherein the markup language file is associated with at least one code-behind file (see for example page 3, [0031], wherein the code-behind file is a C language file).

**Claim 6:**

Ramani further discloses the compiling system of claim 5, wherein the compiler is configured to compile the markup language file and the code-behind file (see for example FIG. 2, item 202, "markup compiler", and page 3, [0031], and related text).

**Claim 7:**

Ramani further discloses the compiling system of claim 1, wherein the executable application is an intermediate language application (see for example page 3, [0031], wherein the intermediate language application is the C language application).

**Claim 8:**

Ramani further discloses the compiling system of claim 1, further comprising a binary file generator for generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token (see for example FIG. 3, items 306, "Tokenized Binary Loader", and item 208, "Tokenized binary file", and related text).

**Claim 9:**

Ramani discloses a compiling system (see for example FIG. 2, and related text) for compiling a markup language file into an executable application, the compiling system comprising:

a parser for parsing the markup language file and providing the compiling system with detailed token information including non-code token information to the compiling system (see for example page 2, [0022], lines 1-17, FIG. 2, item 204, "parser", and related text);

a binary file generator for generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token (see for example FIG. 3, items 306, "Tokenized Binary Loader", and item 208, "Tokenized binary file", and related text);

and a code generator (for example FIG. 2, item 202, "markup compiler", and related text) for generating a language-independent code expression that represents the markup language file as a class (see for example page 2, [0022], FIG. 2, item 202, "markup compiler", and related text).

**Claim 10:**

Ramani further discloses the compiling system of claim 9, further comprising an application generator for compiling the code files into an application (see for example FIG. 3, item 210, "Il Assemblies", and related text).

**Claim 11:**

Ramani further discloses the compiling system of claim 10, wherein the application generator combines the binary files into a single resource (see for example Fig. 4, item 304, "tokenized binary reader", and related text).

**Claim 12:**

Ramani further discloses the compiling system of claim 9, wherein the detailed token information comprises a tag (see for example page 2, [0022], lines 12-18, page 3,

[0030]).

**Claim 13:**

Ramani further discloses the compiling system of claim 9, wherein the detailed token information comprises a property or event (see for example page 3, [0030]).

**Claim 14:**

Ramani further discloses the compiling system of claim 9, wherein the detailed token information comprises a user code snippet (see for example page 3, [0030]).

**Claim 15:**

Ramani further discloses the compiling system of claim 9, wherein the markup language file is associated with at least one code-behind file (see for example page 3, [0031], wherein the code-behind file is a C language file).

**Claim 16:**

Ramani further discloses the compiling system of claim 15, wherein the compiling system is configured to compile the markup language file and the code-behind file (see for example FIG. 2, item 202, "markup compiler", and page 3, [0031], and related text).

**Claim 17:**

Ramani discloses a method for compiling a markup language file into an executable application, the method comprising:  
receiving a markup language file (see for example FIG. 2, item 206, "markup document", and related text);



parsing the markup language file and providing a compiling system with detailed token information (see for example page 2, [0022], lines 1-17, FIG. 2, item 204, "parser", and related text);

generating a language-independent tree of code expressions based on the token information, wherein the code expressions represent the markup language file as a class; and compiling the code expressions to create the executable application (see for example FIG. 3, items 306, "Tokenized Binary Loader", and item 208, "Tokenized binary file", and related text),

**Claim 18:**

Ramani further discloses the method of claim 17, further comprising receiving a code-behind file (see for example page 3, [0031], wherein the code-behind file is a C language file).

**Claim 19:**

Ramani further discloses the method of claim 18, further comprising compiling the markup language file and the code-behind file (see for example FIG. 2, item 202, "markup compiler", and page 3, [0031], and related text).

**Claim 20:**

Ramani further discloses the method of claim 17, further comprising providing a tag as detailed token information (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 21:**

Ramani further discloses the method of claim 17, further comprising providing a property or event as the detailed token information (see for example page 2, [0022],

lines 12-18, page 3, [0030]).

**Claim 22:**

Ramani further discloses the method of claim 17, further comprising providing a user code snippet as the detailed token information (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 23:**

Ramani further discloses the method of claim 17, further comprising receiving a command to create an intermediate language application (see for example page 3, [0031], wherein the intermediate language application is the C language application).

**Claim 24:**

Ramani further discloses the method of claim 17, further comprising generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token (see for example FIG. 3, item 306, "tokenized binary loader", FIG. 9, step 906, and related text).

**Claim 25:**

Ramani discloses a computer readable medium storing the computer executable instructions for performing the method of claim 17 (see for example FIG. 1, item 104, and related text).

**Claim 26:**

Ramani discloses a method for compiling a markup language file into an executable application, the method comprising:

parsing the markup language file and providing the compiling system with detailed token information including non-code token information (see for example page 2, [0022], lines 1-17, FIG. 2, item 204, "parser", and related text);

generating a binary file from the non-code token information, wherein the binary file contains one record for each non-code token (see for example FIG. 3, items 306, "Tokenized Binary Loader", and item 208, "Tokenized binary file", and related text); and generating a language-independent code expression that represents the markup language file as a class (see for example page 2, [0022], FIG. 2, item 202, "markup compiler", and related text).

**Claim 27:**

Ramani further discloses the method of claim 26, further comprising compiling the code expressions into an executable application (see for example FIG. 2, item 212, "representative source code").

**Claim 28:**

Ramani further discloses the method of claim 27, further comprising combining the binary files into a single resource (See for example page 1. [0003], IL assemblies may be single DLL).

**Claim 29:**

Ramani further discloses the method of claim 27, further comprising providing a tag as the detailed token information (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 30:**

Ramani further discloses the method of claim 27, further comprising providing a property or event as the detailed token information (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 31:**

Ramani further discloses the method of claim 27, further comprising providing a user code snippet as the detailed token information (see for example page 2, [0022], lines 12-18, page 3, [0030]).

**Claim 32:**

Ramani further discloses the method of claim 27, further comprising receiving at least one code-behind file associated with the markup language file and compiling both the code-behind file and the markup language file (see for example FIG. 2, item 202, "markup compiler", and page 3, [0031], and related text).

**Claim 33:**

Ramani discloses a computer readable medium having computer executable instructions for performing the method of claim 27 (see for example FIG. 1, item 104, "System memory", and related text).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Chou whose telephone number is (571) 272-6829. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

AYC



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